

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**JASMINE GRACE-LOUISE
EDWARDS,**

Plaintiff,

**5:18-cv-1155
(GLS/TWD)**

v.

ANGELA MOHAR et al.,

Defendants.

APPEARANCES:

FOR THE PLAINTIFF:

Jasmine Grace-Louise Edwards
Pro Se
335 Valley Drive
Syracuse, NY 13207

FOR THE DEFENDANTS:

NO APPEARANCE

**Gary L. Sharpe
Senior District Judge**

ORDER

On November 1, 2018, Magistrate Judge Thérèse Wiley Dancks issued an Order and Report-Recommendation (R&R), which granted plaintiff Jasmine Grace-Louise Edwards' application to proceed *in forma pauperis* and recommended that her complaint be dismissed with

prejudice. (Dkt. No. 4 at 11.) On November 16, 2018, Edwards filed objections to the R&R. (Dkt. No. 5.)

On January 14, 2019, the court rejected Judge Dancks' recommendation of dismissal of Edwards' complaint on statutes of limitations grounds and the 'with prejudice' recommendation; the court adopted the remainder of the R&R. (Dkt. No. 6 at 3-4.) Out of an abundance of caution, the court allowed Edwards "to respond to the statutes of limitations issue raised by Judge Dancks in the R&R." (*Id.* at 3 (internal citation omitted).) The court directed Edwards to "demonstrate why the relevant statutes of limitations do not or should not apply, perhaps by establishing equitable tolling." (*Id.* at 3-4 (internal citation omitted).)

Now before the court is Edwards' response. (Dkt. No. 7.) She conclusorily asserts that "there is a valid cause of action, [i]n which [she] tried to pursue with reasonable diligence." (*Id.* at 1.) Edwards also confusingly states that "[i]n [Edwards'] response with knowledge of statute of limitations [Edwards] reminded Judge Dancks that statute of limitations were presuming as kidnapping claims as the issue of [Edwards'] complaint. Kidnapping because [Edwards] was held in confinement and did not want to be[.]" (*Id.*)

The court is mindful that “the submissions of a *pro se* litigant must be construed liberally and interpreted to raise the strongest arguments that they suggest.” *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006) (internal marks, citations, and emphasis omitted). However, Edwards’ *pro se* status does not excuse her from demonstrating that equitable tolling is warranted. *See Barrientos v. Lee*, No. 14CV3207, 2015 WL 3767238, at *10 (S.D.N.Y. June 17, 2015); *Victorial v. Burge*, 477 F. Supp. 2d 652, 654 (S.D.N.Y. 2007). Vague, incoherent statements about kidnapping are insufficient to establish the requisite “extraordinary circumstance.” *See Barrientos*, 2015 WL 3767238, at *9-10. And Edwards’ conclusory statement that she pursued her claim with reasonable diligence is likewise insufficient. *See id.* at *10.¹

Accordingly, it is hereby

ORDERED that Edwards’ complaint (Dkt. No. 1) is **DISMISSED WITH PREJUDICE**; and it is further

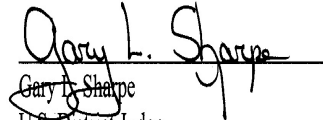
¹ Moreover, even assuming Edwards could establish equitable tolling, she does not state, in any way, how long she was confined against her will, (Dkt. No. 7 at 1-2), meaning there is no basis to toll the statutes of limitations long enough to render her claims timely regardless, (Dkt. No. 4 at 10-11).

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties
in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

March 12, 2019
Albany, New York



Gary L. Sharpe
U.S. District Judge